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Contents

		Page
I.	General information on Malaysia	3
	A. Demographic, economic, social and cultural characteristics of Malaysia	3
	B. Constitutional, political, and legal structure	10
II.	General legal framework within which human rights are protected	11
	A. Acceptance of international human rights norms	11
	B. Legal framework for the protection of human rights at the national level	13
	C. Framework within which human rights are promoted at the national level	15
	D. Reporting process at national level	15
III.	Information on non-discrimination and equality and effective remedies	16

I. General information about Malaysia

A. Demographic, economic, social and cultural characteristics of Malaysia

Table 1
Malaysia Basic Statistics

		2009	2010	2011	2012	2013	2014
Area	sq. km	330 803	330 803	330 803	330 290	330 396	330 396
Population	million	27.7	27.9	28.3	28.6	29.4	30.2	30.6
Under 18 years	million	11.0	9.8	9.8	9.8	9.5	9.5	9.4
60 years and above	million	1.9	2.1	2.2	2.3	2.5	2.6	2.7
Population density	sq. km	84.4	85.0	85.0	86.3	89.1	91.4	92.6
Nominal Gross Domestic Product (GDP)	RM billion	742.5	659.0	766.0	881.1	971.5	949.5	1 015.4
Real GDP Growth Rate	%	4.8	4.6	5.5	5.1	4.7	4.7	6.0
Per capita income	USD Purchasing Power Parity (PPP) USD	26 125 7 857 15 586	25 850 6 768 13 468	26 175 8 126 12 475	27 763 9 737 15 190	30 859 9 991 16 530	32 144 10 265 16 745	34 126 10 898 17 173
Length of Road	km	92 011	124 653	137 219	n.a	n.a		
Piped Water Supply	% population	90.9	91.6	92.4	93.4	n.a		
Electricity Supply (rural population)	%	91.7	92.3	93.4	94.6	n.a		

Source: The Malaysia Economy. Ministry of Finance. Malaysia. 2014.

Table 2
Population by ethnic group. Malaysia. 2014 ('000)

Ethnic	*Male*	*Female*	*Total*
Bumiputera	9 502.2	9 342.3	**18 844.5**
Chinese	3 386.5	3 199.3	**6 585.8**
Indians	988.2	988.4	**1 976.6**
Others	1 919.5	1 271.6	**3 191.1**
Total	**15 796.4**	**14 801.6**	**30 598.0**

Source: Department of Statistics Malaysia. 2014.

Table 3
Percentage distribution of the population by religion, Malaysia 2010

Religion	Percentage
Islam	61.3%
Buddhism	19.3%
Christianity	9.2%
Hinduism	6.8%
Confucianism, Taoism and Tribal/ Folk/ Other traditional Chinese religion	1.3%
Unknown	1.0%
No religion	0.7%
Other religion	0.4%

Source: Population Distribution and Basic Demographic Characteristics, 2010.

1. Malaysia with its current population of 30.6 million (2014) has a young population of 30.7 percent of the nation's population is below 18 years, 60.5 percent is between the ages of 18 to 59 years. The Malaysian population increased at an average annual rate of 2 per cent during the period of 2000 to 2014.

2. Malaysia's population has increased from 23.49 million in 2000 to 30.6 million in 2014. The average annual population growth rate for 2014 was 1.3%. The average age of first marriage in 2014 was 28 years for males and 25.7 years for females, as compared with 28.6 years for males and 25.1 years for females in 2000. Fertility among Malaysian women began to decline consistently since the mid-1950s from a relatively high crude birth rate (CBR) of about 45 births per 1,000 population to a moderate level of 17 births per 1,000 population in 2010. The total fertility rate (TFR), that is, the average number of children born to a woman during her reproductive years (15 to 49 years) has also declined from 6.8 children per woman in 1957 to 2.0 in 2014 (Chart 1).

Chart 1
Crude Birth Rate and Total Fertility rate, Malaysia, 1957-2014p

Source: Department of Statistics, Malaysia, Vital Statistics various years.

3. With the rising educational attainment, increasing labour force participation and emphasis on career development, marriage tends to be delayed. Consequent to the decline in fertility and an increased preference to form nuclear households after marriage, there was a significant shift towards smaller family size. Average household size has dropped from

5.2 persons in 1980 to 4.8 persons in 1991 and further declined to 4.6 persons in 2000. In 2010, it has further declined to 4.3 persons per household (Table 4).

Table 4
Average Household Size by State, 1980-2010

State	*1980*	*1991*	*2000*	*2010*
Johor	5.5	4.8	4.5	4.2
Kedah	5.0	4.7	4.5	4.4
Kelantan	4.8	5.0	5.0	4.3
Melaka	5.4	4.8	4.4	4.3
Negeri Sembilan	5.2	4.7	4.4	4.3
Pahang	5.0	4.8	4.5	4.3
Perak	5.2	4.6	4.3	4.3
Perlis	4.5	4.4	4.3	4.4
Pulau Pinang	5.4	4.9	4.5	4.2
Sabah	5.4	5.1	5.1	4.9
Sarawak	5.2	4.7	4.8	4.6
Selangor	5.3	4.8	4.5	4.7
Terengganu	4.9	5.1	5.0	4.8
Federal Territory				
Kuala Lumpur	4.8	4.5	4.2	4.2
Labuan	5.5	4.9	4.8	5.1
Malaysia	5.2	4.8	4.6	4.5

Source: Department of Statistics Malaysia

4. Infant mortality rates declined from 11.6 per thousand live births in 1990 to 6.5 per thousand in 2013. Life expectancy for both men and women has increased — whereas in 1980, women had a life expectancy of 71 years and men of 66.5 years. In 2014, their life expectancy was 77.2 years and 72.5 years respectively.

1. Economy

5. The economic policies pursued by the Government have resulted in more balanced economic participation and wider coverage of essential services nationwide. The poverty rate in Malaysia has fallen from 49.3% in 1970 to 3.8% in 2012[1] and Malaysia has made good progress towards eradicating poverty and hunger regardless of gender or ethnicity over the last four decades.

6. The Government is now aiming for Malaysia to become a high-income nation that is both inclusive and sustainable by 2020. To achieve this, an economic growth of 6 % a year is required. However, from 2006 until 2011, Malaysia's GDP has been growing at an

[1] Includes Federal Territory of Putrajaya
Source: Department of Statistics (www.statistics.gov.my).
Government Transformation Programme Annual Report 2012
(http://www.pemandu.gov.my/gtp/annualreport2012/upload/Eng_GTP2012_AR_Full.pdf).

average rate of 4.7% per annum.[1] To propel the economy, Malaysia continues to implement its New Economic Model (NEM), unveiled on 30 March 2010, and its Economic Transformation Programme (ETP), launched on 21 September 2010.

7. The ETP is a comprehensive economic transformation plan focusing on 12 National Key Economic Areas (NKEAs) and six Strategic Reform Initiatives (SRIs). The 12 NKEAs are Greater Kuala Lumpur/Klang Valley; Oil, Gas and Energy; Financial Services; Wholesale and Retail; Palm Oil and Rubber; Tourism; Electrical and Electronics; Business Services; Communications Content and Infrastructure; Education; Agriculture; and Healthcare. The 6 SRIs are Competition, Standards and Liberalisation; Public Finance Reform; Public Service Delivery; Narrowing Disparity; Reducing Government's Role in Business; and Human Capital Development. In 2012, they recorded favourable results in meeting their Key Performance Indicator targets. The ETP also facilitated cross-structural reform needed for Malaysia to achieve sustainable levels of economic growth. Through increased private investments and growth in domestic consumption, Malaysia was able to achieve a GDP growth of 5.6 percent in 2012, despite the increasingly volatile and challenging global landscape.

8. In 2010, the Government also rolled out the Government Transformation Programme, a bold programme aimed at radically transforming the way the Government worked so that it could deliver to the people real solutions to several key issues afflicting the nation. As a roadmap for improving service delivery to the people, the GTP's focus is to quickly deliver tangible outcomes. The roadmap itself spells out detailed drilled down programmes with specific sets of initiatives. This entire programme is based on the premise of the government's commitment to "People First, Performance Now".

9. There are 7 National Key Result Areas (NKRAs) in the GTP based on the people's most pressing concerns. These are Reducing Crime, Fighting Corruption, Improving Student Outcomes, Addressing Cost of Living, Raising Living Standards of Low-Income Households, Improving Rural Basic Infrastructure and Improving Urban Public Transport. The majority of the NKRAs achieved more than 90% of their targets. For example, under the NKRA of Low Income Household, specialised training workshops were conducted for women entrepreneurs. Over the last three years (2010-2012) 4,300 women entrepreneurs have been trained, exceeding the initial target of 4,000 set at the start of GTP. The programme was continued in 2011-2014 and have trained an additional 2,000 women entrepreneurs.

2. Education

10. Every child in Malaysia, regardless of wealth, ethnicity or background, deserves equal access to a quality education that will enable the student to achieve his or her potential. Building upon the principle of Education for All, the Millennium Development Goals, the Malaysian education system aspires to ensure universal access to education and full enrolment of all children from preschool through to the upper secondary level. The democratisation of educational opportunities, the provision of special assistance to disadvantaged groups, the strengthening of technical education are strategies deployed to achieve these aspirations. These strategies apply equally to all children regardless of gender.

11. Education provided by the public sector is mainly under the purview of the Ministry of Education (MOE) and a few other government agencies and state governments.

[1] *Source:* Economic Planning Unit, Ministry of Finance, Bank Negara Malaysia and Economic Transformation Programme Annual Report 2012.

Malaysia's commitment to the democratisation of education opportunities is evident in the high annual allocation of budget to MOE. In 2011, the MOE received an allocation of USD 9.58 billion (RM 29.3 billion) or 16.17 per cent of the national annual budget compared with USD 4.4 billion (RM 16.7 billion) in 2005. The Government allocated USD 2.06 billion (RM 6.4 billion) for the development expenditure to build and upgrade schools, hostels, facilities and equipment as well as advancing the teaching profession. Of the amount, USD 1.74 billion (RM 5.4 billion) was allocated for construction of 1,474 schools and 30 hostels as well as upgrading of 574 schools. In addition, USD 68.70 million (RM 213 million) was allocated to reward high-performing schools as well as excellent principals, head teachers and teachers. To date, a total of 52 high-performing schools, and about 14,600 teachers, including 586 head teachers have been rewarded.[7] In 2012 and 2014, the education sector was allocated USD 16.19 billion (RM 50.2 billion) and USD 16.68 billion (RM 54.6 billion) respectively. This significant allocation is evident of Government's commitments and focus on education as one of the main tools for progressive nation. Education is provided to all Malaysian children irrespective of their socio-economic background or gender. Various initiatives and incentives are provided to children to ensure access is available to all. The government has always ensured the quality and affordable access to education. The abolition of school fees in 2011 involved an allocation of USD 48.38 million (RM 150 million).

12. Education in Malaysia is also provided by the private sector. Schools established by the private sector are privately funded and provide general and religious education. Children in Malaysia can choose to attend government (public) or private primary and secondary schools. Movement of children from public schools to private schools or religious institution and vice versa is a common scenario in Malaysia.

13. In tandem with the Government's efforts to improve education opportunities to all communities, as of 2012 a total of 30 religious schools, 228 Chinese national-type schools, 59 Tamil national-type schools, 135 missionary schools and 580 Government-assisted schools have benefited from an allocation of USD 80.64 million (RM 250 million) for development purposes. The Government also provided USD 30.66 million (RM 95 million) in grants to 18 primary and 140 secondary people's religious schools. Basic literacy and numeracy skills are enhanced through various programmes, including Literacy and Numeracy Screening (LINUS) as well as 3M Recovery Programme (PROTIM), which focuses on students who have not acquired basic skills in reading, writing and arithmetic. A total of 325 foreign English language teachers were appointed in 2011 to improve English proficiency among students.

14. To achieve full enrolment of all children from preschool through to the upper secondary (Form Five) level, emphasis is given to early childhood education and basic education. Early childhood education plays a vital role in developing minds and providing a head start in primary school education. Towards this, 5,984 pre-schools have been established in Malaysia. Following pre-school, the national education system in Malaysia provides 11 years of basic education, namely six years of compulsory primary education, three years of lower secondary education and two years of upper secondary education. The provision of primary and secondary education aims to create a united, disciplined, knowledgeable and skilled Malaysian society. Boys and girls within the national education system are taught based on a common curriculum and assessed through standardised national examinations.

15. The period of 2001-2014 saw an increase in the number of children enrolled in schools. Consequently, the number of schools has increased from 9,052 in 2001 to 10,134

[7] Malaysia Economic Report 2011 (http://www.treasury.gov.my/pdf/ekonomi/le/1112/bab2.pdf)

in 2014. In 2014, out of 7,758 public primary schools in the country, 72.9 per cent are in the rural areas and out of the 2,376 public secondary schools, 50.3 per cent are also located in these areas. Private primary and secondary schools are mostly located in urban areas. Table 5 in the Annex shows the number of government and private schools providing primary and secondary education from the year 2001-2014.

16. The increased enrolment in primary and secondary schools is also matched by the increase in the participation rates at both levels. In 2001, the participation rate of Malaysian children in public and private primary schools was 92.2 per cent and in 2014, it increased to 97.9 per cent.

17. The Government recognises that the provision of special assistance to disadvantaged groups such as children with special needs, who have visual and hearing disabilities or learning difficulties or any combination of disabilities or disabilities and difficulties, is also key to ensuring universal access to education. As of 2009, there were 28 Special Education National Schools (SENS), four special education secondary schools, two vocational special education secondary schools and 32 Special Integrated Education Programmes for students with special needs.

18. In 2004, MOE established a Special Pre-School Programme in all SENS. In 2007, 32 Special Integrated Education Programmes for children with learning difficulties were initiated in regular schools. In 2008, MOE embarked on special needs education for children with multi-disabilities, as opposed to a programme for only single disability in previous years. Special Education School teachers received an allowance of USD 75 (RM 250) per month as an incentive. Children with special needs received an allowance of RM 50 per month from the Department of Social Welfare since 2005. Beginning 2009, the allowance was increased to USD 45 (RM 150) per month.

19. MOE also allocates more than RM 1 billion annually to assist students from poor families and students with special needs regardless of gender through various support programmes such as Supplementary Food Programme (SFP) and School Milk Programme (SMP), Poor Students' Trust Fund (PSTF), Tuition Aid Scheme (TAS), Textbook on Loan Scheme (TLS), Scholarship Programme, Aid for Students with Special Needs, Hostel Facilities, Hostel Food Assistance and Life Jackets.

20. Government-Linked Companies (GLCs) in Malaysia also have a prominent role in providing special assistance to disadvantaged groups through their CSR programmes. For instance, currently there are 50 Trust Schools (which are government schools) managed by Yayasan Amir. The Trust School Programme aims to close the achievement gap between the top and low performing schools in the system.

21. Moving forward from basic education, the 20 public universities and 26 private universities as well as 22 private university colleges and five branch campuses of foreign universities in Malaysia provide tertiary education to more than 740,000 students, including 60,098 foreign students. To further enhance the quality of teaching and research of public universities, the Government aspires to increase the number of PhD qualified lecturers to 75% in research universities and 60% in non-research universities. To achieve these targets, the 2011 Budget allocated USD 6.45 million (RM 20 million) for lecturers to pursue their Ph.D. In addition to that, to enhance the employability of unemployed graduates, several GLCs, including, Malayan Banking Berhad, Malaysia Airports Holding Berhad, PETRONAS, Telekom Malaysia Berhad and Tenaga National Berhad are participating in the *Skim Latihan 1Malaysia* (SL1M) programme. The Corporate Social Responsibility programme has benefited about 3,000 individuals. FELDA allocates about USD 29.03 million (RM 90 million) annually for education and training. Currently about 370 students are pursuing various professional courses locally and overseas.

22. Notwithstanding all the resources, programmes and initiatives put in place to ensure universal access to education, the Government is still faced with many challenges. To overcome some of these challenges, the Government has introduced two main plans which address the gaps in the provision of relevant education to all in meeting current and future needs.

23. The first plan is the Education Development Master Plan (2006-2010). The EDMP builds on the achievements of previous education plans and continues to focus on access, equity and quality in education, as well as efficiency and effectiveness of the education management system. The EDMP is based on the six strategic thrusts, namely Nation Building, Developing Human Capital, Strengthening the National Schools, Bridging the Education Gap, Elevating the Teaching Process and Accelerating the Excellence of Education Institutions.[7]

24. Education in Malaysia is currently going through its transformation journey in setting the foundation to turn around the education system within this 13-year period. The Malaysian Education Blueprint (MEB) 2013-2025 is built on 5 system aspirations – access, quality, equity, unity and efficiency. These aspirations are supported by 11 shifts that will provide a common platform for improvement in the common areas of concern agreed upon by stakeholders and the general public. The 11 shifts are:

(i) Provide equal access to quality education of an international standard;

(ii) Ensure every child is proficient in Bahasa Malaysia and English Language and is encouraged to learn an additional language;

(iii) Develop values-driven Malaysians;

(iv) Transform teaching into the profession of choice;

(v) Ensure high-performing school leaders in every school;

(vi) Empower State Education Departments, District Education Department and schools to customise solutions based on need;

(vii) Leverage ICT to scale up quality learning across Malaysia;

(viii) Transform Ministry delivery capabilities and capacity;

(ix) Partner with parents, community, and private sector at scale;

(x) Maximise student outcomes for every ringgit; and

(xi) Increase transparency for direct public accountability.

25. This transformation is to be carried out in three waves which will address the system outcomes and quality will be the common underlying factor for all the shifts, a dimension that requires most urgent attention. With this Blueprint, Malaysia is on track in addressing the challenges posed by the rising international education standards, the Government's aspiration of better preparing Malaysia's children for the needs of the 21st century, and increased public and parental expectations on the Malaysian education policy.

3. Health

26. The people's well-being is closely related to accessibility of quality healthcare. The Government's continuous effort in providing maternal and child healthcare as well as access to sexual and reproductive health including STI/HIV/AIDS, family planning

[7] The detail description of these 6 thrust is accessible at http://www.moe.gov.my

services, cancer prevention programmes and adolescent health programmes have improved their overall opportunities to better health. To further improve the delivery of public healthcare services, the Budget 2014 allocated USD 6.8 billion (RM 22.16 billion) for construction and upgrading of hospitals, increasing the number of doctors and nurses as well as for supplies of medicine and equipment. In tandem with the Government's efforts to enhance healthcare services, the number of population per doctor improved to 630 in 2014 compared with 886 in 2010.

4. Labour and Employment

27. The total number of Malaysia's labour force[*] in 2014 was 13.9 million. The unemployment rate in 1990 was 5.1 per cent and was reduced to 2.9 per cent in 2014. To support economic transformation, the labour force needs to be equipped with higher competencies and new skills set to benefit from various employment opportunities.

28. As one of the measures to ensure employees are fairly remunerated, the National Wages Consultative Council Act 2011 was passed on 26 August 2011 which paved the way for the establishment of the National Wages Consultative Council (NWCC), which, among others, advises the Government on all matters relating to minimum wages, including minimum wages rates and coverage in the country.

29. Following its establishment, NWCC has conducted extensive deliberation and consultation with social partners as well as exhaustive studies of pertinent socio-economic information before making minimum wages recommendation to the Government. The Government gazetted the Minimum Wages Order 2012 which stipulates minimum wages rates of RM 900 for Peninsular Malaysia and RM 800 for Sabah, Sarawak and the Federal Territory of Labuan. The commencement date of the Order was on 1 January 2013 for employers employing more than 5 workers while for employers employing five workers or less, excluding professional firms, was on 1 July 2013. The Minimum Wage Order 2012 covers all private sector workers in all economic sectors and types of occupations, excluding domestic servants.

30. As mandated by the National Wages Consultative Council Act 2011, the Minimum Wages Order 2012 was reviewed and upon recommendation by NWCC, the Government agreed to increase the minimum wages from RM 900 monthly in Peninsular Malaysia to RM 1,000 monthly or RM 4.33 hourly to RM 4.81 hourly, and from RM800 monthly in Sabah, Sarawak and the Federal Territory of Labuan to RM 920 monthly or from RM 3.85 hourly to RM 4.42 hourly. The new rate above is set to take effect on 1 July 2016.

Protection for Female Foreign Workers

31. Section 69 of the Employment Act 1955 provides for workers' claim and labour cases that can be filed by local and foreign workers with regards to their employment. In addition thereto, the Workmen's Compensation Act 1952 compensates foreign workers in the event of accidents which occur in the course of employment.

B. Constitutional, political and legal structure of Malaysia

32. The Federal Constitution of Malaysia, the supreme law of Malaysia which provides the legal framework for the laws, legislation, courts, and other administrative aspects of the law. The Supreme Head of the Federation is the *Yang di-Pertuan Agong*. His Majesty takes

[*] Labour force refers to those who, during the reference week, were in the 15 to 64 years age group and who were either employed or unemployed.

precedence over all persons including the Rulers in the nine states in Malaysia. Each of the other four states, namely Penang, Melaka, Sabah and Sarawak, is headed by *Yang di-Pertua Negeri* who performs the functions of a titular Head of State but is not eligible to be elected as a Ruler. The *Yang di-Pertuan Agong* is elected by the Conference of Rulers for a term of five years among one of the Rulers in the nine states.

33. The executive authority of the Federation is vested in the Yang di-Pertuan Agong, exercisable by His Majesty or by the Cabinet or any Minister authorised by the Cabinet, subject to the provisions of the Federal Constitution. The Prime Minister is appointed from the members of the Dewan Rakyat, who commands the confidence of the majority of the members of that House. The other Cabinet members and also the Deputy Ministers are appointed by the Yang di-Pertuan Agong on the advice of the Prime Minister.

34. The legislative authority of the Federation shall be vested in a Parliament, which is elected for a maximum period of five years, comprises the Yang di-Pertuan Agong, the Dewan Negara (Senate) and the Dewan Rakyat (House of Representatives). Members of the Dewan Rakyat are elected by the people while the members of Dewan Negara are appointed by the Yang di-Pertuan Agong. Both the Parliament and the State Legislative Assembly may make laws in accordance to the matters prescribed by the Federal Constitution.

35. The Judiciary consists of the superior courts and the subordinate courts. The superior courts are the Federal Court, the Court of Appeal and the High Court while subordinate courts are the Sessions Court, the Magistrates' Courts and the Court for Children. The Head of the Judiciary is known as the Chief Justice of the Federal Court.

36. The Attorney General for the Federation is appointed by the Yang di-Pertuan Agong on the advice of the Prime Minister. The Attorney General's duties are to advise the *Yang di-Pertuan Agong* or the Cabinet or any Minister upon legal matters and to perform other duties of legal character referred to or assigned to him by these persons as stated in Article 145 of the Federal Constitution.

37. The Attorney General who is also the Public Prosecutor under section 376 of the Criminal Procedure Code [*Act 593*] has full control and direction to all criminal prosecutions and proceedings. Additionally, he has a discretionary power to institute, conduct and discontinue any proceedings for an offence other than proceedings before a Syariah court, a native court or a court-martial.

II. General legal framework within which human rights are protected

A. Acceptance of international human rights norms

38. Malaysia is a State party to three core international human rights conventions. They are the Convention on the Rights of the Child (CRC) to which Malaysia acceded on 17 February 1995, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) acceded on 5 July 1995 and the Convention on the Rights of Persons with Disabilities (CRPD) which was ratified on 19 July 2010. Malaysia also acceded to the Optional Protocol to the Convention on CRC on the sale of children, child prostitution and child pornography and the Optional Protocol to CRC on the involvement of children in armed conflict on 12 April 2012.

39. Malaysia is also party to a number of related human rights conventions such as the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery which was ratified on 18 November 1957, the Convention

on the Nationality of Married Women acceded on 24 February 1959 and the Convention on the Prevention and Punishment of the Crime of Genocide acceded on 20 December 1994.

40. Malaysia has also acceded to the Convention against Transnational Organised Crime in 2004 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children in 2009. Malaysia has been a member of the International Labour Conference since 1957 and ratified 17 ILO Conventions.[8]

41. Malaysia's ratification of the instruments under the auspices of the United Nations Educational, Scientific and Cultural Organisation are the Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A to E and Protocol annexed; the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention; the Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict; the Convention concerning the Protection of the World Cultural and Natural Heritage; the Convention on Wetlands of International Importance especially as Waterfowl Habitat and the International Convention against Doping in Sport.

42. Malaysia is one of the founding members of the Association of South East Asia Nations (ASEAN). Malaysia signed the ASEAN Charter which turned ASEAN as a regional bloc into a rules-based organisation. The ASEAN Charter embodies ASEAN's commitment to the principles of good governance and the rule of law and provides for the establishment of a regional human rights body.

43. The ratification of the ASEAN Charter further strengthened Malaysia's commitment on matters pertaining to human rights under the auspices of ASEAN which is reflected through ASEAN's principles of respecting fundamental freedoms, the promotion and protection of human rights and the promotion of social justice and the establishment of the ASEAN human rights body.

44. The ASEAN Human Rights Declaration (AHRD), which was endorsed by the ASEAN leaders on 18 November 2012, is a regional human rights instrument which complements the existing international human rights standards including those pertaining to women. Under the AHRD, a value-added reaffirmation of the Declaration of the Advancement of Women in the ASEAN Region and the Declaration on the Elimination of Violence against Women in the ASEAN Region is pronounced. In addition, there is a special mention in the General Principles of the AHRD of the rights of women as an inalienable, integral and indivisible part of human rights and fundamental freedoms.

[8] Convention concerning Forced or Compulsory Labour (C29); Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (C98); Equal Remuneration Convention (C100); Convention concerning Minimum Age for Admission to Employment (C138); Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C182); Convention concerning Labour Inspection in Industry and Commerce (C81); Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards (C144); Convention concerning the Organisation of the Employment Service (C88); Convention concerning the Protection of Wages (C95); Convention concerning the Guarding of Machinery (C119); Convention concerning the Minimum Age for Admission to Employment Underground in Mines (C123); Convention concerning the promotional framework for Occupational Safety and Health (C187); Convention concerning the Rights of Association and Combination of Agricultural Workers (C11); Convention concerning Workmen's Compensation in Agriculture (C12); Convention concerning Workmen's Compensation for Accidents (C17); Convention concerning Equality of Treatment for National and Foreign Workers and regards Workmen's Compensation for Accidents (C19); Convention concerning the Employment of Women on Underground Work in Mines of all Kinds (C45).

45. The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) is a consultative, intergovernmental body of ASEAN that was inaugurated on 7 April 2010 in Ha Noi, Viet Nam, on the occasion of the 16th ASEAN Summit. The ACWC comprises 20 representatives of ASEAN's Member States for women's rights and children's rights. The ACWC's mandates and functions include the development of policies, programmes and innovative strategies to promote and protect the rights of women and children to complement the building of the ASEAN Community. Malaysia is represented by the Secretary General of the Ministry of Women, Family and Community Development (MWFCD). As a member of the ACWC, Malaysia has been participating actively in the ACWC Work Plan for 2012 to 2016, spearheading four projects under the following thematic areas: elimination of violence against women and children; the right to early childhood and quality education; strengthening economic rights of women with regards to feminization of poverty; women's rights to land and property; and gender mainstreaming.

B. Legal framework for the protection of human rights at the national level

1. Constitutional guarantee of fundamental rights

46. The basic rights and fundamental freedoms in Malaysia are stipulated in Part II of the Federal Constitution comprising Articles 5 to 13, including right to personal liberty; prohibition of slavery and forced labour; right to equal protection of the law; prohibition of banishment and freedom of movement; freedom of speech, assembly and association; freedom of religion; rights in respect of education; and rights to property. The Federal Constitution provides for equality before the law and equal protection before the law for all persons. Article 8 (1) of the Federal Constitution provides that all persons are equal before the law and are entitled to the equal protection of the law, which means every person irrespective as to whether he is a citizen or non-citizen are equally protected by the law.

47. By virtue of Article 8 (2) of the Federal Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment. Article 8(5) of the Federal Constitution provides that the above does not invalidate or prohibit of the following:

(i) any provision regulating personal law;

(ii) any provision or practice restricting office or employment connected with the affairs of any religion or of an institution managed by group professing any religion, to persons professing that religion;

(iii) any provision for the protection, well-being or advancement of the aboriginal peoples of the Malay Peninsula;

(iv) any provision prescribing residence in a State as a qualification for election or appointment to any authority or for voting in such an election;

(v) any provision of a Constitution of a State; and

(vi) any provision restricting enlistment in the Malay Regiment to Malays.

48. The Federal Constitution also provides for certain measures to ensure the adequate advancement of the Malays, aboriginal people and the natives of Sabah and Sarawak. These measures are to ensure that these groups have equal enjoyment of human rights and

fundamental freedom. Article 153 of the Federal Constitution provides *Yang di-Pertuan Agong* the responsibility for safeguarding the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities.

49. On 15 September 2011, a legal and political transformation was declared by the Government involving among others, the annulment of the three Emergency Proclamations,[7] abolishment of the Internal Security Act 1960, repeal of the Banishment Act 1959 and the Restricted Residence Act 1933, review of section 27 of the Police Act 1967 and the review of some other laws with a view to amend or repeal the laws. The annulment of the Proclamations of Emergency is a step forward by the Government to ensure that this country is no longer under the State of Emergency as well as to strengthen the rule of law and fundamental freedoms in Malaysia. In addition, it ensures that Malaysia continues to move forward in many ways especially in terms of politics and the legal system.

50. The Peaceful Assembly Act 2012 was promulgated to reaffirm the right of citizens to organise assemblies and participate in assemblies peaceably and without arms subject only to restrictions deemed necessary or expedient in the interest of the security of the Federation or any part thereof or public order, including the protection of the rights and freedoms of other persons.[8]

51. Malaysia repealed the Banishment Act 1959 which regulates the banishment and expulsion from Malaysia of an individual who is not a citizen, which is in line with international norms and standards. The Restricted Residence Act 1933 was repealed in 2011 as the Act was outdated and has since outlived its purpose. Malaysia also amended the Printing Presses and Publications Act 1984 based on two main factors, namely the principle of individual freedom of expression and right to be heard.[9]

52. The Internal Security Act 1972 (ISA), which was enacted for the purpose of curbing acts such as subversion and action prejudicial to public order was also repealed. The ISA was replaced with the Security Offences (Special Measures) Act 2012 (SOSMA) which provides special measures that will be applicable for security offences that are defined in the Act. SOSMA is a procedural law which was specifically enacted to only deal with special measures for security offences from the investigation stage all the way to the appellate stage and not the offences itself. As a procedural law, SOSMA must be read together with the Penal Code and its application is tied to the security offences as listed in the First Schedule of SOSMA, namely substantive offences under Chapter VI (offences against the State) & Chapter VIA (offences relating to terrorism) of the Penal Code. SOSMA does nonetheless contain offences which are not security offences, such as failure to comply with the terms and conditions of the electronic monitoring device, tampering or destroying the electronic monitoring device and exposing a protected witness's identity.

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[7] The Proclamation of Emergency 1966 [*P.U. (A) 339/1966*]. The Proclamation of Emergency 1969 [*P.U. (A) 145/1969*], and The Proclamation of Emergency 1977 [*P.U. (A) 358/1977*] were annulled on 20 December 2011. The motion to annul was respectively passed by both Houses of Parliament on 24 November 2011 and 20 December 2011.

[8] In enacting this Act, similar laws of various countries and international standards and norms were referred to including the Peaceful Assembly Act 1992 (Queensland, Australia), the Assembly Act 1999 (Finland), the Public Order Act 1986 (United Kingdom) and the Assembly Act 2008 (Germany) as well as the Organisation for Security and Co-operation in Europe (OSCE) Guidelines.

[9] The amendments involved are related to the repeal of the discretionary power and absolute authority of the Minister and the abolition of the annual renewal of licenses and permits of printing presses and publications, to remove the prohibition of judicial review on the decision of the Minister to grant refuse to grant, revoke or suspend a licence or permit under the said Act and to give a person an opportunity to be heard before a decision to revoke or suspend such licence or permit.

53. The Persons With Disabilities Act 2008, which came into effect on 7 July 2008, was drafted based on the provisions of the Convention on the Rights of Persons With Disabilities. Malaysia is also committed to fight human trafficking with the enactment of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, where the authorities are given the responsibility to investigate and apprehend the traffickers as well as to save and protect the victims. This is crucial especially in the case of trafficking of women or young girls for purposes of exploitation such as sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or any illegal activity.

Syariah Community

54. The Syariah Community was established on 5 December 2005. Essentially, it is a smart networking that consists of the experts of the Syariah law and civil law in Malaysia which include, among others, the experts from the Government departments, the Federal and State Islamic authorities, the Muftis, the Syariah court judges, the Syariah and civil practitioners, the academicians and the non-governmental organisations. The Syariah Community has, among others, facilitated study on the issues of legal conflict between the civil and Shariah laws and proposed solutions to the various issues arising from the conversion into and out from Islam such as the dissolution of the marriage, the maintenance of the wife and children and the custody of a child, the protection of women's rights under the Islamic Family Law Act – Enactments and harmonisation between the civil law and Syariah law. As a result, few recommendations and proposals for model laws were made to the Law Reform (Marriage and Divorce) Act 1976, the Islamic Family Law (Federal Territories) Act 1984 and the Administration of Islamic Law (Federal Territories) Act 1993. In this exercise, the Syariah Community only facilitated the process of harmonisation and the State governments, which are constitutionally granted the exclusive power over Shariah laws in Malaysia, will make appropriate decisions, including to introduce necessary legislations based on the model laws recommended by the Syariah Community.

C. Framework within which human rights are promoted at the national level

55. Human rights sensitization trainings and programmes have been continuously organised for the government officers, particularly the policy makers and implementers to ensure that human rights perspectives are mainstreamed into the development process. These training and programmes include issues on gender, legal literacy, violence against women and gender agenda are implemented from time to time, including at the state and district levels.

D. Reporting process at national level

56. Malaysia's national report for this review has been prepared in line with the Compilation of Guidelines on the Form and Content of reports to be Submitted by States Parties to the International Human Rights Treaties contained in Document HRI/GEN/2/Rev.6. The national report covers all states and federal territories in Malaysia.

57. All relevant government agencies in Malaysia have been involved in the drafting of the report which was coordinated by MWFCD. In the process of producing the report, the Government had conducted consultations with the Human Rights Commission of Malaysia (SUHAKAM), a range of non-governmental organisations (NGOs) active in the promotion of human rights and members of civil society and experts in human rights.

III. Information on non-discrimination and equality and effective remedies

58. The Government recognises that women are an invaluable resource to the socio-political and economic development of the nation. The Government's recognition of Malaysian women's contribution and roles could be seen through the country's policy and development plans. Various gender responsive initiatives have been undertaken to enhance women's status in various fields. The Government has adopted multifarious measures to mainstream gender perspectives into the development process, including formulating relevant policies, reviewing laws affecting women, improving the capacity of the national machinery for incorporating women's perspectives into the development process, improving access to education, enhancing training and upgrading health care.

59. Malaysian women have participated and contributed towards the social and economic development of the country. This is made possible by the policy stance of the Government that women are an important pool of resource that can be mobilised to achieve the national development agenda. Towards this end, the Government has taken various steps to ensure women's rights are protected through legislation, policies, education, training, health care and implementation of programmes.

National Policy on Women and the Plan of Action for the Advancement of Women

60. The first National Policy on Women was formulated in 1989. The Second National Policy on Women was introduced in 2009 with the following objectives:

(i) to ensure an equitable sharing in the acquisition of resources, information, opportunities and benefits of development for men and women. The objectives of equality and justice must be made the essence of development policies which must be people oriented so the women, who constitute half the nation's population, can contribute and realise their potentials to the optimum; and

(ii) to integrate women in all sectors of development in accordance with their capabilities and needs, in order to enhance the quality of life, eradicate poverty, ignorance and illiteracy, and ensure a peaceful and prosperous nation.

61. The Plan of Action for the Advancement of Women derived from the Second National Policy on Women outlines a general guideline in the implementation of programmes for the integration of women in development. The implementation of the suggested actions in the Action Plan will ensure women in Malaysia receive equal opportunities for participation and involvement in building a more outstanding Malaysia. Women as well as men in Malaysia are important assets to the nation to be nurtured and developed for the realisation of the nation's vision to create a stable Malaysian nation in terms of economic development, socio-culture and humanities, that is, the essence of development based on our own mould.

62. In an effort to streamline and better coordinate Malaysia's response, compliance and implementation of its legal obligations under the human rights treaties, various committees were established. The Cabinet Committee on Gender Equality, chaired by the Prime Minister, was established in December 2004 to provide policy directions and monitor activities pertaining to women and family development. The Committee is also another avenue for the Ministry to highlight women's issues. In 2009, the Cabinet Committee on Gender Equality was absorbed under the National Social Council. This is consistent with the Government's efforts to create administrative machinery and more effective implementation as well as to emphasise the physical and economic development in order to have a balanced social development.

The National Policies on Children and Plans of Action

63. The National Policy on Children and Plan of Action 2009 is pertinent to the welfare and well-being of children. It supports the objectives and strategic visions of the National Mission of Wawasan 2020 (Vision 2020). The policy highlights the rights of children to survival, protection, development and participation, and the importance of an environment which is conducive to their holistic development. It focuses on the enhancement of the commitment and social responsibilities of all parties to prioritise the child's interest in all aspects.

64. In addition, the Government formulated the National Child Protection Policy and its Plan of Action on 29 July 2009 to ensure that children are protected from all forms of neglect, abuse, violence, and exploitation. In addition, it will encourage all organisations that deal with children to develop guidelines on child protection. The Policy focuses on aspects of prevention, advocacy, intervention, reporting and giving support services in protecting the children. The Plan of Action provides for standard guidelines and procedures in areas related to child protection. The Policy lays down the following seven main objectives:

(i) to increase awareness and commitment of various parties of the efforts to protect children as a common responsibility;

(ii) to create a safe and child-friendly environment;

(iii) to encourage organisations that deal directly or indirectly with children to formulate their respective child protection policies;

(iv) to protect every child from any form of neglect, abuse, violence and exploitation;

(v) to stipulate that only suitable individuals who may deal directly with children;

(vi) to enhance support services to address the neglect, abuse, violence and exploitation of children; and

(vii) to enhance research and development to improve protection for children.

National Policy and Action Plan on Reproductive Health and Social Education

65. The Government approved the National Policy on Reproductive Health and Social Education on 6 November 2009, to produce individuals with knowledge and nourish the positive attitude towards reproductive health and social education. The implementation of the Policy aims to achieve the following objectives:

(i) to increase awareness of the community on the importance of reproductive health and social education;

(ii) to develop expertise on reproductive health and social education among members of the community;

(iii) to increase research and development for the purpose of improving existing reproductive health and social education system; and

(iv) to improve on the effectiveness of implementation of reproductive health and social education.

The National Policy and Action Plan for Persons with Disabilities

66. The National Policy for Persons with Disabilities and the Plan of Action were approved by the Government on 21 November 2007. The Policy and its Plan of Action are

used as a foundation to ensure persons with disabilities regardless of gender enjoy their full and effective participation in the society on an equal basis with others. The Plan of Action provides guidelines to all relevant stakeholders on planning programmes for persons with disabilities in the country. Apart from this, the Plan of Action is also used as a guide by relevant agencies to plan and prioritise their respective annual budget especially to obtain financial allocation from the authority.